

Hearing was carefully reviewed and we find it contains no such request. Therefore, we are unable to review that issue.

The Legislature empowered the Appeals Board under K.S.A. 44-534a(a)(2) to review preliminary findings pertaining to the following:

- (1) Whether the employee suffered an accidental injury;
- (2) Whether the injury arose out of and in the course of the employee's employment;
- (3) Whether notice was given or claim timely made; and,
- (4) Whether certain defenses apply.

Questions surrounding medical authorization, including reimbursement of medical mileage, are not issues or preliminary findings that the Appeals Board may review. Further, because the Administrative Law Judge has not exceeded his jurisdiction and authority, the Appeals Board does not have jurisdiction to review this Preliminary Hearing Order under K.S.A. 44-551, as amended by S.B. 59, 1995. This ruling comports with many of our earlier decisions.

If not resolved, the issues raised by claimant may be reviewed by the Appeals Board at the time of final award upon proper application.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Preliminary Hearing Order of Administrative Law Judge George R. Robertson entered in this proceeding on January 24, 1995, remains in full force and effect, and that this review is dismissed.

IT IS SO ORDERED.

Dated this ____ day of April, 1995.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

- c: Robert Lee, Wichita, KS
Stephen Jones, Wichita, KS
Robert Anderson, Ellinwood, KS
George R. Robertson, Administrative Law Judge
George Gomez, Director